

## REMARKS

In response to the Office Action dated January 3, 2008 requiring an election of inventive Group, Applicants elect to pursue Group II (claims 6-7, 9, 22, 24, 26-28) directed to a vaccinia virus having mutations in two genes. Furthermore, Applicants elect to pursue a vaccinia virus having a first mutation in the B18R interferon modulating polypeptide and a second mutation in a second interferon modulating polypeptide.

Applicants have amended claims 1, 3, 6, 7, and 35. Claims 2, 4, 5, 8, 10-19, 21, 23, 25, 29-30, 32-34, and 38-120 have been canceled. Applicants withdraw from consideration claims 20, 22, 24, 26, 27, 28, 31, 35, 36, and reserve the right to rejoin non-elected species. Claims 121-123 have been added. Support for these new claims is found at least on Page 26, line 33 to page 27 line 8; and page 4, line 31 to page 5, line 8. Thus, claims 1, 3, 6, 7, 9, 37, and 121-123 are currently under examination. No new matter has been added.

The Examiner is invited to contact the undersigned attorney at (512) 536-3167 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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